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Approved For Release 2005/07/12 : CIA-RDP85B00236R000200150020-5

6 February 1981

MEMORANDUM FOR: Chief, Classification Review Division

25X1 FROM:   
Chief, Operations Branch

SUBJECT: Meeting with NARS and ISOO Representatives  
Concerning the Problem of withholding  
Unclassified Documents for CIA (U)

1. The meeting was held on 5 February 1981 at the IMS/DO conference room at Headquarters. Attending were: (C)

Alan Thompson, Chief, Declassification Division, NARS  
Milton Gustafson, Chief, Diplomatic Archives Branch, NARS  
Joanne Williamson, Chief, Civilian Archives Review Branch, NARS  
Steve Garfinkel, Director, ISOO  
Harry Mason, ISOO

25X1 , Deputy Chief, IPD/OIS  
RMD/OIS  
D/OIS  
D/OIS  
Chief, Initial Review Branch, FPLG/IMS/DO  
FPLG/IMS/DO

2. The meeting was called by Alan Thompson of NARS to discuss a problem NARS is having protecting some Agency information contained in unclassified documents. Though no classification markings are used NARS must still handle this material as classified which they find very burdensome, and NARS people fear that they might inadvertently release some of this unmarked material with the passage of time, changes in personnel, and other such slippage-causing developments. This is information CIA wants to protect under the (b)(3) exemption of the FOIA Act, namely "specifically exempted from disclosure by statute." This refers primarily to the 1947 and 1949 statutes authorizing the Director to protect sources and methods and the implication deriving from this authority that protection may be granted with or without a classification being applied to the information. Exemption (b)(1) refers to information authorized under criteria established by an Executive Order to be kept secret. This poses no problem because we are willing to classify documents that are not classified when they contain information which falls within this category

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of exemption. Also, there is no problem when (b)(1) is cited together with (b)(3) as is often the case. The problem arises when we cite (b)(3) only and the document contains no classification markings. [ ] stated that there are cases where we want to protect information but feel that it does not meet the classification criteria established by E.O. 12065. To classify such a document would weaken the Agency's position to protect the information if a judge found the information improperly classified. The suggestion was made to have NARS stamp such documents as being protected under the (b)(3) exemption but NARS does not want to mark documents in any way except to indicate that they are declassified. The potential solution was suggested by Steve Garfinkel. He suggested that the Director write a letter to the Archivist of the United States requesting that a general restriction be placed on such documents held by NARS. This in affect would provide guidance for NARS management to apply to their classification review process and thus alert classification reviewers and keep reminding them that they must recognize such material and protect it. What happens in practice is that classified material is removed from a box of records and kept in a special location. Withdrawal notices are used to indicate which documents have been removed. Some of the removed documents will not carry classification markings and this was the core of the problem as presented by NARS. The letter will be prepared and coordinated by RMD/OIS and FPLG/DO and may be run by NARS in draft if desired. (C)

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25X1 3. Following the above discussion, Alan Thompson brought up the matter of DO insistence on withholding the names of OSS personnel from release in OSS records accessioned to NARS. [ ] stated that CIA at the present time is standing by the exemption as accepted when NARS signed the Accessioning Agreement. Alan Thompson said that practically every document would thus have to be cleared through CIA and therefore CIA might as well hold the records.

25X1 [ ] said, speaking for the CIA, that the Agency was willing to take the records back. Alan Thompson then went on at considerable length and with some consternation that he could not see why it was necessary to withhold such names given the passage of almost 40 years since WWII and the desire of NARS on behalf of the U.S. Government to make records available to the public. No suggestions or recommendations came out of this discussion. (U)

4. Finally, after the end of the formal discussion, Joanne Williamson raised a point with the undersigned about some of the records we have asked be withheld from State records in RG-59 for the period 1945-49. The problem arises where we have asked that certain files be withheld in their entirety because such a high percentage of the material remains classified and requires continued protection. Some of the documents in these files are not marked with a classification but, for example, the information is sensitive because the file number stamped on them signifies CIA or CIG and when considered together with the text of the document identifies personnel and cover slots among other things. There are not many such documents but Ms. Williamson could not estimate just how many there are. Her people must list these documents on a computer listing and these will be entered with no classification. The computer listing will eventually be sent to CIA for certification by the Director either that they are

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classified or that they require continued protection. Her question was, will the CIA make this certification? The undersigned said he would look into the matter and advise Ms. Williamson. (U)



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Distribution:

Orig - Liaison w/NARS

1 - Liaison w/ISOO

1 - OPS Branch

1 - Chrono

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TO: [REDACTED]

☐ YOU WERE CALLED BY-- ☐ YOU WERE VISITED BY--

[REDACTED]

OF (Organization) [REDACTED]

☐ PLEASE CALL → PHONE NO. CODE/EXT. [REDACTED] ☐ FTS

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

*pls call*

RECEIVED BY	DATE	TIME
[REDACTED]	1025	

63-109  
STANDARD FORM 63 (Rev. 8-76)  
Prescribed by GSA  
FPMR (41 CFR) 101-11.6

[ $379,577 + 1,364,264 = 1,743,841 (-5000)$ ]  
A. Tot. pgs rwd  $\rightarrow$  1,748,841  
B. " " deduc  $\rightarrow$  379,577  
C. " " est. bey. 20 yrs  $\rightarrow$  1,364,264  
[1/10/79  $\rightarrow$  30/9/80]  
8 OCT 80  
 $\rightarrow$  "CRD cont to Agency Ann.  
Rpt to ISOD"